

FAX Transmission Sheet
BURR & BROWN
Intellectual Property Practice

RECEIVED
 CENTRAL FAX CENTER
NOV 01 2005

101 South Salina Street, 7th Floor
 Syracuse, New York 13202

Telephone: (315) 233-8300
 Facsimile: (315) 233-8320

OFFICIAL BUSINESS

Date: November 1, 2005

AFTER FINAL

To: Examiner: Young, Micah Paul
 Art Unit: 1618

Fax No.: 703-872-9306

RECEIVED
 OIPE/IAP

From: Stephen P. Burr/Nicole Buckner

NOV 02 2005

Subject: U.S. Application Ser. No. 10/826,165
 Filed: April 16, 2004

Conf. No.: 8549

Title: ENTERAL NUTRITION PRODUCT AND METHOD FOR
 PREPARING THE SAME

Our Ref.: 889_001

You should receive 7 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

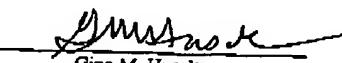
CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following paper(s) is/are being facsimile transmitted to 571-273-8300 at the Patent and Trademark Office on November 1, 2005:

- RCE Transmittal (3 pages, in duplicate) 6 pages
- This Facsimile Cover Sheet 1 page

Total Pages

7


 Gina M. Husak

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND DESTROY THE COMMUNICATION. THANK YOU.

NOV 01 2005

Practitioner's Docket No.: 889_001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Jiro KANIE

Ser. No.: 10/826,165

Group Art Unit: 1618

Filed: April 16, 2004

Examiner: Young, Micah Paul

Confirmation No.: 8549

For: ENTERAL NUTRITION PRODUCT AND METHOD FOR PREPARING THE SAME

Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner Young, Micah Paul at (703)273-8300 in the Patent and Trademark Office on November 1, 2005.

Gina M. Husak

*Gina M. Husak*REQUEST FOR CONTINUED EXAMINATION
(37 CFR §1.114)

1. Applicant hereby requests continued examination, in accordance with 37 CFR §1.114, for the above identified application.

11/02/2005 HDEMESS1 00000056 501446 10826165

2. This request is being submitted:

i. <input checked="" type="checkbox"/> Prior to abandonment of the application ii. <input type="checkbox"/> Payment of the issue fee <input type="checkbox"/> Prior to payment of issue fee <input type="checkbox"/> Issue fee has been paid but a petition under §1.313 was filed _____ (copy attached).	01 FC:2252 225.00 DA 02 FC:2801 395.00 DA
---	--

iii. Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 A notice is being separately sent to the Board of Patent Appeals & Interferences
 that this Request for Continued Examination is being filed.

iv. Appeal to the U.S. Court of Appeals of the Federal Circuit under
 35 U.S.C. 145 or
 Commencement of a civil action under 35 U.S.C. 146
 Prior to the filing of such appeal or commencement of civil action
 Such appeal or commencement of civil action has been terminated.

3. Please Enter and Consider the following *Previously Submitted Documents*:

Amendment filed August 29, 2005 (which was not entered by the Examiner).

Brief on Appeal filed _____.

Other: _____

RECEIVED
CENTRAL FAX CENTER

NOV 01 2005

4. Enclosed herewith is/are:

An Information Disclosure Statement and Form PTO-1449
 An Amendment
 New arguments
 New evidence in support of patentability
 Other:

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))						\$ 790.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present		
Total Claims	6	Minus			\$ 50.00	
Independent Claims	2	Minus			\$ 200.00	
Multiple Dependent Claim(s) (if applicable)					\$ 360.00	
<u>Extension of Term</u>						
a. <input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.						
b. <input checked="" type="checkbox"/> Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:						
<input type="checkbox"/> One Month (37 CFR 1.17(a)(1))					\$ 120.00	
<input checked="" type="checkbox"/> Two Months (37 CFR 1.17(a)(2))					\$ 450.00	\$ 450.00
<input type="checkbox"/> Three Months (37 CFR 1.17(a)(3))					\$1,020.00	
If an additional extension of time is required, please consider this a petition therefor.						
<input type="checkbox"/> An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.						
TOTAL OF ABOVE CALCULATIONS =						\$1,240.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.						\$ 620.00
TOTAL FEES DUE =						\$ 620.00

6. Payment of Fees

A check in the amount of \$_____ is enclosed.

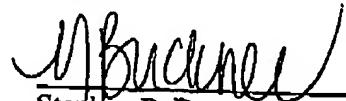
Charge Deposit Account 50-1446 in the amount of \$620.00.

7. Authorization to Charge Additional Fees or Credit Overpayment

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446 (a duplicate copy of this sheet is enclosed):

Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

Nicole J. Buckner
Reg. No. 51,508

SPB/NB/gmh

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320